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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1073 OF 2004

Amritlal Nagardas Shah Appellant

versus

Bhiwandi Nizampur Municipal council, Bhiwandi Respondent

Mr.M.S.Thorat i/by Mr.Bipin Joshi for appellant.
None for respondent.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 09TH JULY 2007

PC :

1. The Trial Court dismissed the suit instituted by the appellant challenging the notice issued by the Bhiwandi Nizampur Municipal Corporation and held that the structure in question namely the first floor of house no.220 was not authorised. The appeal has been dismissed by the Additional District and Sessions Judge. At the hearing of the second appeal the learned counsel appearing on behalf of the appellant urged only one submission, which is that the appellant seeks to apply for regularisation. In the event that the

MST

appellant is entitled to apply for regularisation, and if any such application is made by the appellant, it will be considered in accordance with law. However, insofar as the present Second Appeal is concerned, it does not raise any substantial question of law that will warrant admission of the appeal. The appeal, as already been noted above, is not pressed on merits. Hence, the appeal is dismissed accordingly.

2. In view of dismissal of the Second Appeal, Civil Application (Stamp) No.1352 of 2004 is dismissed.

(DR.D.Y.CHANDRACHUD, J.)